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Summary record of the 410th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 5 September 2018, at 10 a.m.

Chair: Ms. Degener

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by parties to the Convention under article 35 *(continued)*

Initial report of Poland (continued) (CRPD/C/POL/1; CRPD/C/POL/Q/1 and CRPD/C/POL/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Poland took places at the Committee table.*

Articles 11–20

2. **Mr. Jaros** (Poland), responding to questions put at the previous meeting, said that Polish law provided for both full and partial incapacitation. Decisions on depriving a person of legal capacity were made by the country's regional courts and could be challenged before the courts of appeal. Depriving a person of legal capacity was done in the person's interests — to protect him or her from the actions of unscrupulous individuals, for example.

3. The courts determined the extent of the deprivation of legal capacity. Partial incapacitation was offset by the appointment of a curator, who, in consultation with and on behalf of the person in his or her care, exercised the legal rights that, according to the order of the court, the person himself or herself lacked the capacity to exercise. The scope of the deprivation of legal capacity could be narrow. It could apply only to the management of assets, for instance, so that, in all other respects, the person concerned would be able to act independently. Curators were required to report to the courts on their activities. Guardians were appointed by the courts for persons subject to full incapacitation. Like curators, they were required to report to the courts.

4. Numerous safeguards were in place for persons with disabilities who were the subject of incapacitation proceedings. For example, the number of persons who could submit a petition to deprive a person of legal capacity was limited, there were penalties for the submission of malicious or frivolous petitions, the involvement of a prosecutor and the submission of medical evidence were required, and the person concerned was heard in the courtroom in the presence of an expert witness. Non-governmental organizations (NGOs) working with persons with disabilities could also be heard. In addition, the courts could, on their own authority, repeal decisions to deprive persons of legal capacity or appoint advocates for them — no petition was necessary. Persons deprived of legal capacity could challenge the court's decision, and in some cases the formal requirements for initiating such challenges were waived. They could also oppose medical treatment and, if admitted to a psychiatric hospital, petition for their release.

5. In late 2017, there were 74,000 persons deprived of legal capacity in Poland, for a rate of 192 per 100,000 population. The rates in Austria and Hungary were 650 and 604 per 100,000 population, respectively.

6. It was unclear how long it would take the country's lawmakers to agree to changes to incapacitation regimes proposed by the Department of International Cooperation and Human Rights of the Ministry of Justice. Making such fundamental changes to principles of civil law could take more than a year. It was also difficult to state whether Poland, as the Chair had suggested, could follow the example set by Peru and simply stop depriving persons with disabilities of their legal capacity — or a part thereof — or appointing guardians for them.

7. **Ms. Matysek** (Poland) said that the service desks required under the regulations governing the operations of the ordinary courts in Poland were accessible to persons with disabilities. Users of the justice system could be catered to in accordance with their particular needs, and court websites, some of which were optimized for use by persons with visual impairments, made it possible to obtain relevant information without having to go to the courthouse itself. Deaf users could avail themselves of the services of a sign language interpreter free of charge.

8. According to information supplied by the country's 11 courts of appeal, sign language interpretation services were generally provided by video link. A court in Ostróda

had three sign language interpreters employed in-house, however, while a non-verbal communication system had been set up at a court in Biała Podlaska. Customized assistance was provided to blind persons, including by service desk employees. Physical access to courtrooms was being facilitated through programmes of gradual renovation.

9. The rules for the provision of free legal aid during pretrial proceedings were set out in the Act on Free Legal Aid and Legal Education. Court fees could be waived for people who could not afford them, and service desk employees assisted anyone who had difficulty filling out forms. Persons who could not afford a lawyer could have one appointed for them.

10. Witnesses with disabilities could give their statements from their place of residence. At least one court in every region had videoconferencing equipment for that purpose. Such equipment could be loaned to other courts. Comprehensive statistics on the yearly number of videoconferences were not available, but one court, the Warsaw Regional Court, had indicated that it had held 623 such conferences in 2017.

11. Judges and other judicial personnel, such as prosecutors, had to be fit to perform their duties, which sometimes involved visiting sites outside the country's courthouses. Although she did not have information on how many of the judges and prosecutors in the Polish justice system were persons with disabilities, there were five judges with disabilities at the Kielce Regional Court, the court with which she was most familiar.

12. **Mr. Charkiewicz** (Poland) said that persons with disabilities who were parties to criminal proceedings enjoyed the same rights as all other persons. A number of measures were taken to ensure that they could exercise those rights. Under the Code of Criminal Procedure, for instance, persons with disabilities could, under certain circumstances, have defence counsel appointed for them. Reasonable accommodation was provided in criminal trials. The appointment of a sign language interpreter was required if a party to criminal proceedings could communicate only in writing. A planned amendment to the Code of Criminal Procedure would allow a designated person to collect correspondence from the courts on behalf of a person who was unable to collect it himself or herself.

13. Everyone admitted to prison was given a medical examination. Prison doctors authorized the distribution of orthopaedic devices or prostheses, and reasonable accommodation was provided to prisoners with disabilities. Wheelchair users, for example, were placed in appropriate cells, and efforts were made to ensure that toilets were accessible to them. Prison medical centres had wards and rehabilitation facilities for persons with disabilities. Two orientation courses for prisoners with visual impairments had been held at Bydgoszcz Fordon Prison.

14. **Ms. Lenarcik** (Poland) said that emergency plans in Poland were aimed at facilitating the prompt and safe evacuation of persons with disabilities in the event of small-scale emergencies. Exits were designated and evacuation routes planned with the needs of persons with disabilities in mind, and there were voice and lighting warning systems. Regular fire drills, overseen by the fire brigades, were held in large residential or public buildings.

15. Persons with disabilities were given specific consideration in civil defence plans for mass evacuations in the event of large-scale disasters. Audio warnings were supplemented by visual, on-screen warnings, and the police and firefighters had wheelchair-accessible vehicles.

16. Work was being done to enable deaf persons to call 112, the country's emergency number, by alternative means. A mobile application, which would make it possible to use a pictorial symbol to contact the emergency services, would be piloted shortly.

17. Newly designed police stations and other police facilities were accessible to persons with disabilities, while barriers at older facilities were being removed during renovations. The police were actively involved in campaigns on the prevention of violence, in particular in schools. Their efforts in that regard were of use to persons with disabilities.

18. **Mr. Lewandowski** (Poland) said that holders of driving licences issued by countries that had not ratified the Convention on Road Traffic required an international driving

permit to drive in Poland. In October 2018, new regulations were due to enter into force requiring driving test centres to provide sign language interpretation for examinations on request. In addition, the ban on driving for persons with total or partial hearing loss would be lifted for all classes of vehicle except buses. Persons with disabilities could choose to sit the practical driving test using their own adapted vehicle or one provided by the test centre; test fees would no longer be applied when a candidate's own vehicle was used.

19. **Mr. Krasuski** (Poland) said that the Government intended to create a national mobility centre for persons with disabilities, managed by a consortium of State entities and NGOs working with drivers with disabilities. Procedures would be developed for the issuance of medical certificates confirming fitness to drive, since many doctors currently refused to provide such certificates. In addition, equipment for adapting vehicles would be distributed to driving schools and test centres to enable persons with disabilities to learn to drive and sit the driving examination.

20. With regard to evacuation plans, the new legislation in force took into account the needs of persons with reduced mobility and persons with sensory impairments. Consultations would take place on the development of new recommendations for evacuation pathways in public spaces.

21. **Mr. Pelczarski** (Poland) said that, under the road map for the development of the support system for persons with disabilities three components were envisaged, one of which was the solidarity fund. The fund would finance government programmes for the provision of personal assistance and respite care, as well as initiatives to increase economic independence and improve rehabilitation services. As part of the Knowledge Education Development programme financed by the European Social Fund, the Ministry of Investment and Economic Development intended to implement a large-scale project to enhance rehabilitation and assistance services for persons with disabilities.

22. The main aim of the "For Life" programme was to provide persons with disabilities with effective economic and social support. The programme's housing component contained detailed objectives, including the development of sheltered housing for persons with disabilities. Priorities included making such housing more widely available to families with children with disabilities; public land would be set aside for its construction. Sheltered housing was financed using European Union funding allocated for supporting people at risk of exclusion. Several projects were under way to develop model housing standards for each of six different groups of persons with disabilities. European Union funding would be used to provide assistance and care services for more than 165,000 people. Persons who required support but did not need 24-hour care were eligible to apply for protected housing; such persons might include those with mental disabilities, as well as care leavers and refugees.

23. One of the fundamental tasks of the State was to protect the life and property of its citizens. Dedicated units at the local government level were responsible for assisting victims of catastrophes and extreme weather events. In such situations, victims with disabilities were offered additional protection and assistance.

24. A strategy was being developed to govern the use of European Union funding until 2030. The strategy would include indicators for the type of measures that would be eligible for financing under European Union programmes. European Union regulations addressed the issue of the sustainability of projects and measures introduced with such financing.

25. **Ms. Prekurat** (Poland) said that the priority of the support system for persons with disabilities was to help them continue to live in their own homes. Placement in a care home was regarded as a last resort. Local governments had an obligation to provide services including support for daily tasks and assistance with communication; the number of people using such services had gradually increased in recent years. In addition, day-care centres provided specialist care services and meals, and self-help centres were in place for persons with mental disabilities. The centres were funded from the State budget. Self-help centres provided instruction in everyday activities and social functions. As part of the "For Life" programme, 300 million zlotys were earmarked for the development of the network of self-help centres. In 2017, 23 community self-help homes had opened and 75 new places for persons with mental disabilities had been created. In addition, five new facilities had been established in regions that had previously lacked such resources. In recent years, persons

with disabilities and their families had voiced the need for greater independence for those persons and the Government was striving to take that need into account in the social assistance system. Persons with disabilities living in care homes could choose to move into sheltered housing, their own home or the home of a family member.

26. **Mr. Kubacki** (Poland), describing the laws on consent to medical treatment and the role of caregivers and the guardianship court in that regard, further details of which were contained in paragraphs 189 to 197 of the initial report (CRPD/C/POL/1), said the Ministry of Health took the position that the legislation in place provided adequate protection for patients. The sterilization of women in the absence of consent could not be carried out without oversight.

27. It was difficult to obtain accurate information on conversion therapy. The Ministry of Health was guided by international health standards set by the World Health Organization, including the International Classification of Diseases. Conversion therapy was not offered within the public health-care system, but was available from non-medical professionals such as psychotherapists. It was possible that more measures were needed to address the practice.

28. **Ms. Wilewska** (Poland) said, with regard to the prevention of violence in schools, that a new curriculum had been introduced covering respect for oneself and others, self-esteem, and family and community values. It had been designed to enable schools to adopt a holistic approach to prevention. A number of other initiatives were in place to prevent violence, including the provision of relevant resources for school principals and psychological support for students. The Centre for Education Development operated a website with downloadable materials to help teachers ensure safety in schools.

Articles 21–33

29. **Mr. Martin** said that it was still not clear whether persons with intellectual disabilities who were under guardianship could set up and participate in representative organizations and, if not, when steps would be taken to enable them to do so.

30. It would be interesting to know what measures were being taken to make public information available in Easy Read formats or to support organizations of persons with disabilities that were already producing Easy Read information for persons with intellectual disabilities. Given that persons with intellectual disabilities around the world had poor health outcomes and lower life expectancy than the general population, he wondered what was being done to improve health outcomes for such persons in institutions and group homes in Poland. Lastly, he wished to know whether any measures had been taken to repeal the law preventing persons with intellectual disabilities under guardianship from voting.

31. **Mr. Basharu** said that he would welcome information on the time frame for strengthening requirements relating to accessible broadcasting and the steps that would be taken to make a wide range of television programmes, including news programmes, accessible to different groups of persons with disabilities. He asked what measures were in place to ensure respect for the privacy of persons with disabilities in institutions and how the situation in that regard was monitored. He also wished to know when the Government would amend legislation preventing persons with mental and intellectual disabilities from marrying. He asked to what extent deaf persons enjoyed access to bilingual education, what complaints mechanisms were available for parents of children with disabilities in cases where children were refused admission to the school of their choice and how parents were informed of their rights in such cases. Lastly, he would like to hear how the State party ensured the accessibility of vocational training, adult education and skills upgrading courses for persons with disabilities, including persons with sensory disabilities. What action did it take when the learning activities in question were provided only by private entities?

32. **Mr. Kim** Hyung Shik said that he wished to know why the employment rate for persons with disabilities was significantly lower in Poland than in other European countries, what measures would be taken to address that disparity, what target rate had been established for the employment of persons with disabilities and when that target would be achieved. He would also like to hear how the earnings and job stability of persons with

disabilities compared with those of other workers, what steps were taken to address disability-based discrimination in the workplace and whether policies with regard to the employment of persons with disabilities were based on the principle of inclusive employment in the open labour market or whether they focused on protected jobs. Given that special benefits were provided to companies at which over 30 per cent of the workforce were persons with disabilities, he wondered whether, in such companies, persons with disabilities were recruited on merit or because of the advantages gained by hiring them.

33. It would be interesting to learn how far persons with disabilities, or their representative organizations, were involved in managing, planning, delivering and monitoring international development projects. He also wished to hear in what specific ways international cooperation had contributed to capacity-building, research facilitation and the sharing of information, experience, best practices, technical assistance and access to assistive technologies. He would welcome an example of a specific project that had provided tangible benefits to persons with disabilities through international cooperation. Lastly, he asked what efforts were being made to ensure that organizations of persons with disabilities were involved in monitoring the implementation of the Convention and what funding they received to enable them to carry out that task.

34. **Mr. Ishikawa** said that he wished to know what steps were being taken to ensure that measures to boost employment in the open labour market included all persons with disabilities and how the State party saw to it that persons with disabilities constituted at least 6 per cent of workforces in all sectors. He asked what efforts were being made to collect disaggregated data on poverty among persons with disabilities and to monitor the effectiveness of social security mechanisms aimed at combating poverty.

35. It would be interesting to learn what measures were being taken to abolish legal provisions that prevented persons with psychosocial disabilities, and all persons deprived of legal capacity, from enjoying the right to vote and all other political rights. He would also like to hear what efforts were being made to ensure access to polling stations for persons with disabilities, whether electronic voting machines would be installed to enable persons who could not cast paper ballots to vote independently and in secret, and whether Internet voting would be introduced to allow persons with reduced mobility to vote from home. He would welcome information on any measures taken to promote the active participation of persons with disabilities in political and public life, including any publicly funded awareness-raising campaigns. Lastly, he asked what plans the Government was making to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

36. **The Chair** asked whether the Government would consider withdrawing its reservations to articles 23 and 25 of the Convention, and whether women with disabilities enjoyed access to services relating to their sexual and reproductive rights and health, including accessible, disability-sensitive and gender-sensitive maternal health, family planning, gynaecology and midwifery services, parenting support for mothers with psychosocial or intellectual disabilities and safe abortions. Where abortion was concerned, she would like to draw the delegation's attention to the joint statement issued the previous week by the Committee on the Rights of Persons with Disabilities and the Committee on the Elimination of Discrimination against Women, in which it was affirmed that all women, including women with disabilities, should have access to safe abortions. Noting that concerns had been raised about the misuse of European Union funding earmarked for deinstitutionalization, she asked how the use of such funds was monitored to ensure compliance with article 19 of the Convention and how organizations of persons with disabilities were involved in the deinstitutionalization process. Lastly, she wished to remind the delegation that the placement of restrictions on the exercise of legal capacity was a violation of human rights in general and of the Convention in particular.

37. **Mr. Langvad**, noting that certain aspects of two European Union texts on accessibility and on the rights of persons with disabilities, respectively, were not in compliance with the Convention, said that he wished to urge the Government of Poland to make efforts to persuade the European Union to address such issues. Given that high-quality catheters were available but not affordable for many persons in Poland, he wondered how the Government would ensure that all persons with disabilities, irrespective

of the type of disability, could obtain adequate financial support for the purchase of such equipment.

38. **Mr. Ruskus** (Country Rapporteur) said that it was still not clear how persons with disabilities would be able to continue living independently in the community when the European Union funding that currently enabled them to do so had run out.

39. The Committee would welcome information on the status of implementation of the Act on Sign Language and Other Means of Communication, under which free access would be provided to sign language interpretation in all sectors. It would also appreciate details of existing or planned legislation to expedite the introduction of reasonable accommodation, individualized curricula and inclusive classroom teaching in accessible learning environments. It would like to know whether the Government would consider withdrawing its reservation to article 25 (a) of the Convention and how it would ensure access to health services for all persons with disabilities, irrespective of the type of disability. It wished to hear what steps were being taken to provide individualized, needs-based habilitation and rehabilitation for persons with disabilities as part of a wide range of community-based services. Lastly, the delegation should explain why, in 2018, the State party had amended its electoral law in a way that made it more difficult for persons with moderate and severe to disabilities to vote.

The meeting was suspended at 11.35 a.m. and resumed at 12.05 p.m.

40. **Ms. Iwanczyk** (Poland) said that, according to data from a workforce survey, the employment rate for persons with disabilities had increased in recent years, reaching 26 per cent. However, that figure included only persons whose disability had been officially recognized; the rate rose to 30 per cent when other persons with disabilities were taken into account. The majority of persons with disabilities worked in the open labour market rather than in protected jobs. Workplaces at which the percentage of employees with disabilities was lower than average were encouraged to offer employment to any person with a disability who was ranked among the top five candidates applying for a particular job. Employers who wished to recruit a person with a disability could obtain subsidies to offset the cost of adapting their premises, purchasing assistive technologies, organizing training and hiring assistants. The percentage of the workforce with disabilities was continuing to grow. Persons with disabilities constituted 20 per cent of staff in the Office of the Government Plenipotentiary for Persons with Disabilities.

41. Persons with disabilities were paid the same as other employees doing the same job. Irregularities or instances of abuse in the area of employment were dealt with by the National Labour Inspectorate or by other relevant bodies. According to surveys carried out in European Union member States, the poverty rate among households that included a member with a disability had fallen significantly, including in households where the head of household was a person with a disability.

42. Health-care facilities and fire brigades, among other public services, would be entitled to use all the amenities listed in the Act on Sign Language and Other Means of Communication, including sign language interpretation and various augmentative and assistive means of communication.

43. NGOs of persons with disabilities, which numbered in the thousands, drew on the experience of their counterparts in other countries and offered support to organizations abroad. Such support was also provided at government level, through development assistance projects, to countries where the networks of organizations were less well established.

44. **Ms. Raszkowska** (Poland) said that Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies would be implemented by 23 December 2018 and would become part of Polish law at the start of 2019. The Government had been participating actively in the negotiations concerning the proposal for a directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the member States as regards the accessibility requirements for products and services, which would regulate the availability of information in the public

and private sectors, including information made available in the public transport system, the banking sector and elsewhere. The directive would require information to be provided through more than one sensory channel and in easy-to-understand language, and sanctions would be imposed on bodies that failed to comply with it. The Government's contributions to the drafting of the directive were based on its discussions with entrepreneurs, organizations of persons with disabilities and human rights defenders and were aimed at ensuring that the directive would be in compliance with the Convention.

45. **Mr. Krasuski** (Poland) said that the broadcasting of accessible television and radio programmes was one element of the "Friendly Poland — Accessibility Plus" programme. The Broadcasting Act had recently been amended to introduce targets for the proportion of accessible programming, to be met by all broadcasters. By 2019, 15 per cent of quarterly broadcasts must be in accessible formats and that figure would increase progressively before reaching the final target of 50 per cent by 2024. Broadcasts must be made accessible to both blind and deaf persons. An executive act would be issued, defining the kinds of programme that should be broadcast in accessible formats as a matter of priority and when, so as to ensure that broadcasters did not violate the spirit of the law by broadcasting such programmes at night rather than during prime time.

46. Public institutions, NGOs and the business sector were engaged in international cooperation related to the rights of persons with disabilities and the improvement of accessibility, financed with European Union funding. The State Fund for the Rehabilitation of Persons with Disabilities was currently running a project in partnership with German and Lithuanian universities to apply best practices from those countries in the education of managers in the rehabilitation system. In addition, a call had been launched for organizations interested in cooperating with partners in other European Union member States on the implementation of technological innovations from abroad. Under European Union law, the funds used to finance such activities must be sustainable and used to make structural changes. Some projects supported with European Union funding involved the development of new models, standards and procedures, for example in relation to deinstitutionalized foster care. Funding was provided with the expectation that the standards or procedures would actually be implemented in practice. Services that received funding were also subject to sustainability criteria and must be maintained for a certain period of time.

47. Accessibility for persons with disabilities was one of the priority areas for the European Social Fund. Each year, information campaigns were run to highlight how European Union funding could support the social inclusion of persons with disabilities. As from 2019, the implementation of the "Friendly Accessible Office" project would begin, involving the training of public officials on how to communicate effectively with persons with intellectual disabilities using simple messages that were easy to understand.

48. **Ms. Maciejewska** (Poland) said that Poland had signed the Marrakesh Treaty in 2014. The European Court of Justice had confirmed the exclusive competence of the European Union to ratify the Treaty. The corresponding directive and regulations were expected to be finalized by the end of September 2018. The regulations would be directly applicable in Poland, while implementation of the directive would require amendments to the Act on Copyright and Related Rights, which were in the pipeline.

49. Voting rights were enjoyed by all persons with disabilities, regardless of the kind of disability. Under the Constitution, voting rights could only be withdrawn from persons incapacitated by the courts. The withdrawal of voting rights further to incapacitation was enshrined in the Polish legal tradition and was justified on the basis that, if a person did not have the intellectual capacity to manage his or her own affairs, he or she would not be in a position to analyse the political situation in the country and vote accordingly. That view was indirectly reflected in the reasoning of a 2007 judgment by the Constitutional Court. The issue of voting rights for incapacitated persons had not been raised in proposals for reforms to the Constitution or in the programmes of political parties.

50. Persons with disabilities who had had an assessment confirming that they had a moderate or significant degree of disability were entitled to vote by post. The limitation on postal voting had been introduced in January 2018 on the grounds that the system was open

to abuse. There had been doubts too as to the security of electronic voting at polling stations, particularly in the light of the negative experiences of several countries that had attempted to introduce such systems. The matter would be reviewed as the level of Internet security increased.

51. **Mr. Gasior** (Poland) said that Polish electoral law had long provided for accommodations for persons with disabilities, with regard to both voting rights and the provision of information on elections, and such accommodations continued to be extended. Since 2014, there had been a legal obligation to officially inform voters about accessible polling stations and the possibility of postal voting or voting by proxy for persons with disabilities. In addition, municipalities had a duty, on request, to provide information to persons with disabilities in print or electronic format on the conditions for registering with an accessible polling station, the candidates standing for election and different ways of voting, for example. The website of the National Electoral Commission published information on the statutory rights of persons with disabilities, as well as all announced elections; some information was available in Polish Sign Language and Braille versions, the latter provided on request. Election announcements and results must be posted in and outside polling stations, in places that were easily accessible to persons with disabilities.

52. Voters with disabilities could be assisted by any other person to enter a polling station and to cast their vote. As at 2017, half of the country's 27,000 polling stations were adapted to the needs of persons with disabilities; hospitals and care homes also had polling stations where persons with disabilities could vote. Under the most recent amendments to electoral law, officials were now obliged to check that local governments had fulfilled their obligations in terms of accessibility of polling stations. In 2016, new accessible ballot boxes had been introduced in all polling stations.

53. **Mr. Kubacki** (Poland) said that the withdrawal of the State party's reservations to articles 23 and 25 of the Convention was not currently under consideration. The Act on Family Planning, Human Fetus Protection and Preconditions for the Admissibility of Abortion set out the circumstances in which termination of pregnancy was permitted; the conditions it established were the same for all citizens. Issues related to reproductive rights were being analysed in more depth by the Ministry of Health and were reflected in the 2016–2020 National Health Programme, which covered all citizens. There was also a comprehensive reproductive health-care programme.

54. A number of measures had been taken to improve the availability of rehabilitation services. However, as they had only recently been introduced, it was too early to evaluate them. Changes had been made to the provision of rehabilitation in the hospital network with a view to improving coordination. Assessment teams had been appointed to analyse the rehabilitation system and propose further improvements. There was increased investment in rehabilitation services and health care generally, and there were plans to increase the co-financing limits for medical devices.

55. **Ms. Wilewska** (Poland) said that the Ministry of Education took practical steps to implement inclusive education. When it came to school admissions, it was parents or children with disabilities themselves who selected the school, choosing between mainstream schools, integrated schools and special schools. The director of a public mainstream school could not refuse to admit a student with a disability if the school was within the vicinity of the student's home; refusals could be appealed. Children with disabilities and the children of parents with disabilities were given priority access to preschool.

56. There were no obstacles to the enrolment of students with disabilities in vocational or technical schools, provided that they had the authorization of their doctor. An amendment to the law on vocational education and training was currently being prepared with a view to providing better solutions for students with disabilities. Children with disabilities could participate in extracurricular activities, again provided that they had the authorization of their doctor. There were special habilitation classes for students with hearing impairments and there was an obligation for them to be taught sign language. Blind students were given classes on Braille, spatial orientation and alternative communication. It was not considered necessary to introduce bilingual communication universally, as the

number of children who needed sign language was decreasing year on year owing to earlier detection of hearing impairments, screening of newborns, and the provision of prosthetics and speech therapy at an early stage, which meant that many children with hearing impairments were functionally hearing and could learn verbally with their peers. A preschool education manual had been made available for parents and teachers of deaf children and could be downloaded from the Ministry of Education's website.

57. **Ms. Neroj** (Poland) said that the Ministry of Education was working to implement inclusive education, not only for children with disabilities, but also for those with special educational needs as a result of a health condition, difficult living conditions or special abilities. The work was based on broad consultations and debate in 2016. An expert team appointed by the Ministry, including representatives of organizations of persons with disabilities and parents of children with disabilities, had developed recommendations and proposed legislative amendments. One of the outcomes had been the adoption of a biopsychosocial model of disability based on the Convention. Standards were being prepared for the development of educational measures and diagnostic tools that took account of that biopsychosocial approach.

58. **Mr. Michalkiewicz** (Poland) said that the delegation was grateful to the Committee for the constructive dialogue and to Polish organizations of persons with disabilities for their contribution. Poland had made positive legislative and policy changes and was committed to progressing further with a view to realizing the rights of persons with disabilities, guaranteeing them the conditions necessary for a dignified life and the opportunity to use their skills to ensure that they contributed on an equal basis with others to the country's development. The Committee's recommendations would be taken duly into consideration in the development of future disability policy.

59. **Mr. Ruskus** said that the State party was to be commended on the advances it had made thus far. It must, however, reinforce the shift from a charity and social protection approach to disability to the human rights-based model, and it must provide explicitly for non-discrimination and equality measures aimed at achieving the full social participation and inclusion of all persons with disabilities. Poland should withdraw its reservations to the Convention and accede to the Optional Protocol, and it should draw on the Committee's general comments and the provisions of the Convention when designing legislation and practical measures for the realization of the rights of persons with disabilities. He believed that the commitment made by the Government to effectively incorporate the Convention into the domestic legal order was sustainable and would support persons with disabilities to make their own decisions and lead independent, decent lives in an inclusive society on an equal basis with others.

60. **The Chair** thanked the delegation for its openness during the constructive dialogue with the Committee.

The meeting rose at 1.05 p.m.